THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.18142 of 2007

Dated: 14-11-2007

Between:

Andhra Pradesh Girijan Samakhya,
A.P.Girijan Bhavan, Nallamala Giri Prasad Nagar,
Singareni Colony, Saidabad, Hyderabad,
Rep. by its State Secretary, Shankar Naik.

...Petitioner

and

1.The Union of India, Ministry of Home Affairs,
New Delhi, rep. by its Secretary, and 9 others.

...Respondents

THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No18142 of 2007

Dated: 14-11-2007

Order: (Per The Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

This Writ Petition has been filed by the petitioner-Andhra Pradesh Girijan Samakhya alleging that on 20th August, 2007, eleven women belonging to the Scheduled

Tribe in Vakapalli Village of Surmathi Gram Panchayat, G.Madugula Mandal, Visakhapatnam District, were subjected to rape by the Special Police party consisting of 21 members of Visakhapatnam District, who were on combing operations.

The respondent-Government having accepted that the Police personnel were on combing operations in the area, denied their having committed any offence against the civilians including the alleged rape of eleven women belonging to the Scheduled Tribe.

During the series of orders, this Court had directed investigation by the Superintendent of Police, C.I.D., Andhra Pradesh, Hyderabad, and a report has now been filed by him.

We have perused the report.

Prima facie, this report suggests that no offence of rape, as alleged, was committed by the Police personnel, who were on duty on the relevant date in that area.

This Court, in these writ proceedings under Article 226 of the Constitution of India, would not be in a position to come to a conclusion as to whether the Police personnel were responsible for any offence against eleven women belonging to the Scheduled Tribe or not. Therefore, what this Court feels appropriate to do at this stage is to make available the report submitted by the Superintendent of Police, C.I.D., to the petitioner-Andhra Pradesh Girijan Samakhya, who, if not satisfied with the investigation, may take any other remedy that may be

available to them in law.

The learned Advocate-General has submitted two copies of the report to this Court. One copy is retained in the record and another copy has been handed over in the open Court by the learned Advocate-General to Sri Ramachandra Reddy, the learned senior Counsel. The learned Advocate-General has no objection to this course being taken. At the cost of the writ petitioner-Andhra Pradesh Girijan Samakhya, we would like to keep on record that with regard to the allegations, this Court has not given any findings either way.

The Writ Petition is, accordingly, disposed of. No costs.

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(Bilal Nazki, A.C.J)

Dated 14th November, 2007

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(Ramesh Ranganathan, J)

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